

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

MONDAY, THE 9TH APRIL 2007 / 19TH CHAITHRA 1929

WP(C).No. 9480 of 2007(C)

PETITIONER:

UPPUTHARA GRAMA PANCHAYAT, UPPUTHARA PO,
IDUKKI- 685 505, REPRESENTED BY ITS SECRETARY.

BY ADV. SRI.K.JAJU BABU
SMT.M.U.VIJAYALAKSHMI

RESPONDENTS:

- 1.THE DISTRICT COLLECTOR, IDUKKI.
 - 2.THE TAHSILDAR, PEERUMADU.
 - 3.THE GEOLOGIST, IDUKKI DISTRICT,
THODUPUZHA.
 - 4.THE ASSISTANT WILD LIFE WARDEN, IDUKKI,
WILD LIFE SANCTUARY, IDUKKI.
- BY ADV. SRI.RANJITH THAMPAN,SPL.G.P.,FORESTS

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 09/04/2007,THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

PIUS C. KURIAKOSE,J.

W.P.(C)No.9480 of 2007

Dated: 9th April, 2007

JUDGMENT

Mr.Renjith Thampan, Special Government Pleader (Forests) concedes that auction was permitted by the District Collector to be conducted in respect of the Kadavus within the limits of the Kanchiyar Panchayat. In view of the obvious position that the petitioner-Panchayat and the Kanchiyar Panchayat are on the opposite sides of the same river, I do not find any reason for the discrimination. Mr.Thampan further submits that the stand of the Forest Department is consistent, that mining of sand from the Kadavus within the petitioner Panchayat and the Kanchiyar Panchayat comes within the Full Reserve Level (FRL) as evident from Ext.R4(a). I notice that notice similar to Ext.R4(c) was issued in respect of Kanchiyar Panchayat also. If at all auction was conducted, the same is in violation of Ext.R4(c) and the Kanchiyar Panchayat and the persons will be liable for proceeded against, so submits Mr.Thampan. Under these circumstances, I dispose of the Writ Petition issuing the following directions:

The petitioner-Panchayat is permitted to conduct public auction in accordance with Exts.P1 and P5 for removal of sand from Ambalamkadavu. However, it is made clear that such auction and

removal of sand by the Panchayat will be without prejudice to the powers of the Forest Department to take action. But the action, if at all will be taken simultaneously against the petitioner-Panchayat and the Kanchiyar Panchayat.

srd

PIUS C.KURIAKOSE, JUDGE